IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
CIVIL APPLICATION NO.1212 OF 2006
IN
FIRST APPEAL NO.403 OF 2006

.....

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

.....

Mr.A.R.Pandey for the Applicant
Mr.J.J.Xavier for the Respondent

CORAM: A.S.OKA, J.
DATED: MARCH 22, 2006.

P.C.:

1. Rule. Respondent waives service. Taken up for hearing forthwith. As the First Appeal has been admitted, pending hearing suit structure cannot be demolished.

2. Civil Application is disposed of by passing the following order :

i)Till the final disposal of the First Appeal the respondent-Corporation is restrained from demolishing the suit structure on the basis of notice dated 10th April 1999 and order dated 10th May 1999.

ii) Till the final disposal of the Appeal, the Appellant is restrained from creating any third party interests and from parting with possession of the suit structure in favour of any third party. The Appellant is also restrained from making any addition or alteration in the suit structure without permission of the Respondent-Corporation. In case any breach is committed by the Appellant, liberty to the Respondent to apply for vacating the stay.

iii) It is made clear that grant of interim relief will not preclude the respondent-Corporation from taking any action of demolition against the Appellant in respect of suit structure by following due process of law.

Judge.